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DE RUEHLO #1623 0621415
ZNR UUUUU ZZH
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FM AMEMBASSY LONDON
TO RUEHC/SECSTATE WASHDC PRIORITY 3307
INFO RUEHBS/USEU BRUSSELS PRIORITY

UNCLAS LONDON 001623

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SUBJECT: (SBU) GUANTANAMO: LABOUR MP DISCUSSES OMAR
DEGHAYES CASE, REQUESTS REPLY

(U) SENSITIVE BUT UNCLASSIFIED; PROTECT ACCORDINGLY. NOT FOR
INTERNET DISTRIBUTION.

11. (U) Action Request - please see paragraph 7.

12. (SBU) SUMMARY AND INTRODUCTION: Poloffs met with Labour
backbench MP Des Turner March 2 at his request, to hear his
concerns about Guantanamo detainee Omar Deghayes, a Libyan
national with longstanding legal residency status in UK as a
refugee. Also present were Clive Stafford Smith, Legal
Director of the NGO Reprieve, who claimed to be Deghayes's
lawyer, Jackie Chase of the Save Omar Campaign, and Omar's
brother Abu Baker Deghayes. The cordial meeting in Turner's
office lasted over an hour. The group articulated specific
requests (details below), and Turner said he would ask
Foreign Secretary Straw to press for a reply from USG. END
SUMMARY AND INTRODUCTION.

13. (SBU) Poloffs made clear the USG policy of not discussing
the particulars of individual detainee cases except with the
relevant governments, but promised to report the substance of
the meeting, and offered to pass to the Department any
information the MP and his guests cared to provide. Turner
argued that given Omar Deghayes's refugee status in the UK,
it is inappropriate to treat Libya as the relevant
government. He asked pointedly whether the USG considers
Libya a country to which it is safe to return Libyans who
have been granted political asylum in another country.
Smith, who claimed to be an American citizen, echoed Turner's
concern, alleging that Libyan officials had visited Deghayes
at Guantanamo and threatened him.

14. (SBU) Turner expressed concern about conditions at
Guantanamo, detention without charge, and reports of torture.
Smith, who claimed to have visited Guantanamo several
times, said conditions there were far worse than he had seen
on death row in Louisiana) Poloffs explained that the law of
war makes clear that it is proper to detain enemy combatants
without charge for the duration of the conflict, and that the
USG reviews each detainee's status on an annual basis. Smith
asserted that the Geneva Conventions require enemy combatants
either to be treated as POWs or put on trial. When Smith
raised Abu Ghraib, Poloffs described in detail how the USG
response to that scandal showed strong commitment to humane
treatment of detainees.

15. (SBU) Chase recalled that she and British Member of the
European Parliament Caroline Lucas had presented a dossier on
Deghayes to USEU in late 2005. Based on email from USEU's
Todd Huizinga, Poloff confirmed to her that the State
Department had indeed received the dossier. Chase then
articulated the following specific requests:

- a reply to that dossier, particularly Deghayes's hunger-strike diaries, his descriptions of conditions at Guantanamo, and Qureishi's allegations of breaches of law;
- permission for Deghayes to be visited by an independent UK physician, such as Dr. James McKeith, and by a UK parliamentary delegation and a family member. Smith interjected that as Deghayes's lawyer, he had no objection to U.S. officials listening in on such visits;
- USG response to recent reports on Guantanamo by the Center for Constitutional Rights and Amnesty International;
- the USG position on the possibility of transferring Deghayes to Spain (NFI);
- assurance that the USG understands the likely consequences of transferring Deghayes to Libya.

16. (SBU) Abu Baker Deghayes insisted that his brother is opposed to terrorism and frequently argued against it, including in letters to Abu Qatada and Abu Hamza. He and Smith indicated they would give Post documents (for forwarding to Washington) that would support the contention that Omar is not an enemy combatant.

17. (SBU) ACTION REQUEST: Guidance from the Department regarding (a) how to respond to Turner (an elected official of a key ally; see especially paragraph 3 above), and (b) whether - and if so, how - to respond to any of his guests regarding the points they raised.

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